IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE SEVENTEENTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 12871 of 2005

Between:

A.P.S.R.T.C Staff and Workers Fedaration, Vijayawada City Division, Vijayawada, Ch. Venkateswara Rao, Member, S/o. Anjaneyulu.

..... PETITIONER

AND

1 Asst. Commissioner of Labour, Vijayawada, Krishna District.
2 The Depot Manager, A.P.S.R.T.C. Vijayawada-II Depot, Vijayawada, Krishna District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or directions more in the nature of writ of Mandamus declaring5 the Order No. N Dis A/940/05 dt. 28-2-2005 passed by the 1st Respondent herein as illegal, arbitrary and contrary to law and set side the same with a direction to the 1st Respondent herein to refer the dispute before the Hon'ble Labour Court.

Counsel for the Petitioner: Sri R.P.GOVINDA RAJULU

Counsel for the Respondent No.1: GP FOR LABOUR

Counsel for the Respondent No.2: Mr.R.Manmadha Reddy, S.C. for APSRTC.

The Court made the following :

ORAL ORDER:

Challenging the order No.N Dis A/940/05, dated 28.2.2005 passed by the 1st respondent, this writ petition has been filed.

Heard the learned counsel for the petitioner, the learned Government Pleader for Labour and the learned standing counsel for the 2nd respondent and perused the material on record.

The Asst. Commissioner of Labour returned the petitioner's application on the ground that the case under Industrial Disputes Act, 1947 might be filed within a period of three years after the department passes final order, but the case pertains to the year 1991 and therefore, returned the application. The Conciliation Officer has no power to return the same on the ground of delay. An appropriate authority has to take decision with regard to the condonation of delay.

Therefore, the writ petition is allowed directing the 1st respondent to take appropriate decision in referring the case to the Tribunal. In the circumstances of the case, there shall be no order as to costs.

(K.C. BHANU, J.)

17th June, 2005

bcj

To

1 Asst. Commissioner of Labour, Vijayawada, Krishna District.
2 The Depot Manager, A.P.S.R.T.C. Vijayawada-II Depot, Vijayawada, Krishna District.

3 Two C.Cs. to the Government Pleader for Labour, High Court Buildings, Hyderabad (OUT)

4 Two C.D. copies.